

FILED IN CLERK'S OFFICE
U.S. DISTRICT COURT
AT ATLANTA

D3mg
OCT 15 2003

LUTHER D. THOMAS, Clerk
By: *B. L. Baker*, Deputy Clerk

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

IN RE: TRI-STATE CREMATORY
LITIGATION

MDL DOCKET NO. 1467

This document relates to all cases.

**PLAINTIFFS' REQUEST FOR PERMISSION
TO SUBMIT A SUPPLEMENTAL BRIEF IN
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT
FILED BY W.L. WILSON & SONS**

Pursuant to request made during a telephone conference of October 6, 2003 between the Court and Counsel, Plaintiffs herewith move this Honorable Court for permission for the filing of a Supplemental Response in Opposition to Defendant W.L. Wilson & Sons Motion for Summary Judgment, to be filed within three (3) days after the taking of the supplemental deposition of Mr. Leroy Wilson. The deposition of Mr. Wilson has not, as yet, been able to be scheduled conveniently, as Mr. Wilson is, upon information and belief, out of town, and Plaintiffs agreed to continue the previous notice, but Plaintiffs have been informed that it will likely be November before Mr. Wilson may be available.

Since the initial Response filed by Plaintiffs on or about September 5, 2003, there have been numerous other depositions of witnesses

which may be relevant to the court's determination of the issues raised in the Motion for Summary Judgment, and other evidence adduced.

In addition, Class Counsel served focused requests for admission on Defendant W.L.Wilson & Sons on September 18, 2003, the responses to which are expected further to support the allegations against this funeral home. The requests seek admissions regarding the use of Tri-State by the funeral home during the class period, the lack of appropriate inquiry into Tri-State's licensure, education or training, the lack of appropriate identification preservation measures and records regarding decedents sent to Tri-State, the bio-hazardous nature of human bodies, and the inability to state with any certainty, based upon the lack of appropriate measures, what befell the remains of the class members' loved ones. The responses to these requests will be due on October 20, 2003.

WHEREFORE, Plaintiffs Move this Honorable Court for an Order granting permission to file one omnibus Supplemental Response as set forth hereinabove, with a reasonable period thereafter for Reply by the Movant, W.L. Wilson & Sons.

Respectfully Submitted, this ____th day of October, 2003.



McCAMY, PHILLIPS, TUGGLE &
FORDHAM, LLP
Robert H. Smalley, III
P.O. Box 1105
Dalton, Georgia
Telephone: (706) 278-4499
Facsimile: (706) 278-5002

*Plaintiffs'/Respondents' Liaison
Counsel*

BARRETT LAW OFFICE
Don Barrett
P.O. Box 987
Lexington, Mississippi 39095
Telephone: (662) 834-2376
Facsimile: (662) 834-2628

Charles Barrett
Marshall H. Smith, Jr.
3319 West End Avenue, 6th Floor
Nashville, Tennessee 37203
Telephone: (615) 386-8391
Facsimile: (615) 386-8392

LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
Elizabeth J. Cabraser
Embarcadero Center West
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Plaintiffs'/Respondents' Lead Counsel

Kathryn E. Barnett
3319 West End Avenue, Suite 600
Nashville, Tennessee 37203
Telephone: (615) 313-9000
Facsimile: (615) 313-9965

DOFFERMYRE, SHIELDS,
CANFIELD, KNOWLES & DEVINE
Leslie Bryan
Suite 1600, 1355 Peachtree Street
Atlanta, Georgia 30309
Telephone: (404) 881-8900
Facsimile: (404) 881-3007

SIMS, GRADDICK & DODSON, PC
Charles Graddick
Todd Strohmeyer
205 St. Emanuel Street
Mobile, Alabama 36602

SHUMAKER, WITT, GAITHER &
WHITAKER
William G. Colvin
Suite 500, First Tennessee Building
701 Market Street
Chattanooga, Tennessee 37402
Telephone: (423) 265-2214
Facsimile: (423) 266-1842

MABRY & McCLELLAND, LLP
Robert M. Darroch
Tenth Floor, 2200
Century Parkway, N.E.
Atlanta, Georgia 30345

THE FLEISSNER FIRM
Phillip A. Fleissner
600 Georgia Avenue
Chattanooga, Tennessee 37402
Telephone: (423) 756-3591
Facsimile: (423) 266-5455

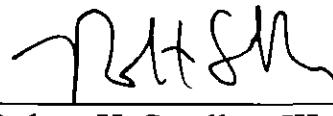
DAVID RANDOLPH SMITH &
ASSOCIATES
David Randolph Smith
Hillsboro Village, 1910 Acklen Avenue
Nashville, Tennessee 37212
Telephone: (615) 742-1775
Facsimile: (615) 742-1223

COPPEDGE & LEMAN, PC
Joe Leman
508 South Thornton Avenue
Dalton, Georgia 30720
Telephone: (706) 226-0040
Facsimile: (706) 226-0040

Plaintiffs' Steering Committee

PROOF OF SERVICE BY MAIL

I hereby certify that a copy of the foregoing was served by postage prepaid United States mail on the 15th of October, 2003 addressed to those listed below:



Robert H. Smalley, III
Plaintiffs' Liaison Counsel

J. Anderson Davis, Esq.
Brinson, Askew, Berry, Seigler,
Richardson & Davis, LLP
PO Box 5513
Rome, GA 30162

Funeral Home Defendants Lead/Liaison Counsel

Frank E. Jenkins, III
Jenkins & Olson, PC
15 South Public Square
Cartersville, GA 30120

Stephen L. Cotter
Swift, Currie, McGhee & Hiers
1355 Peachtree St., Suite 300
Atlanta, GA 30309-3238

McCracken K. Poston, Jr., Esq.
Attorney at Law
62 Nance Lane
PO Box 1130
Ringgold, GA 30736

Counsel for Defendants
T. Ray Brent Marsh &
Tri-State Crematory